MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION



Comprehensive Water Supply and Sewerage Systems Plan Amendments Administrative Delegation Action 2016-2 Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Interagency Notices of Public Hearing:	November 7, 2016
Published Notice of Public Hearing:	
Public Hearing:	
Public Hearing Record Closed (WSCCRs 16-OLN-03A & -04A only):	
Advance Approval Action for WSCCRs 16-OLN-03A & -04A:	December 12, 2016
Public Hearing Record Closed:	December 19, 2016
DEP Administrative Approval Action:	

BACKGROUND

Authority: Under the Annotated Code of Maryland, Section 9-501, et seq., the Maryland Department of the Environment (MDE) has charged the Montgomery County Council, as the governing body for Montgomery County, with adopting and amending a comprehensive plan for the provision of adequate water supply and sewerage systems within the county. As part of the staging element of Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan (CWSP), the Council has designated water and sewer service area categories for all properties within the county. Requests to change the water and/or sewer service area categories designated in the Plan constitute proposed amendments to that Plan.

In the adopted CWSP, the County Council has delegated to the Director of the Department of Environmental Protection (DEP), through an administrative process, the authority to approve certain amendments to the Plan, including water and sewer category changes. To qualify for administrative consideration, Plan amendments must satisfy the specific requirements of the policies established by the Council in the CWSP, Chapter 1, Section V.F. Administrative Delegation.

Proposed Plan Amendments: DEP staff considered nine proposed amendments for approval or restricted approval by the administrative delegation process. All nine amendments were for service area category changes. The proposed amendments were reviewed by the following agencies, as appropriate: the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), and the Montgomery County Department of Permitting Services (DPS) - Well and Septic Section. The amendments were also referred to the County Council-members for their review and concurrence.

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on November 7, 2016, DEP notified the appropriate County and State agencies of an administrative public hearing, scheduled for December 7, 2016, and provided the staff recommendations for each proposed amendment. The County provided a published notice of the administrative hearing on November 24, in *The Sentinel*, a newspaper of general, local circulation, satisfying the State's notification requirements. This notice provided a link to the DEP website on which all pertinent documents were placed prior to that date. DEP also provided a mailed or e-mailed notice for both hearings to the following: each property owner/applicant, local civic association leaders, attorneys or engineers (as requested by the property owner), and adjacent and confronting property owners.

Public Hearing Testimony and Interagency Recommendations: On behalf of DEP's Director Lisa Feldt, DEP senior planner Alan Soukup presided over the public hearing held on December 7, 2016, on the nine amendments proposed for administrative approval. A summary of hearing comments provided to DEP and other testimony received by DEP is provided below. Mr. Soukup, opened the public hearing at 2:30 p.m. None of those attending the public hearing provided any testimony opposing the DEP staff recommendations for the nine amendments. Neither was any written testimony provided that opposed the staff recommendations.

WSCCRs 16-OLN-03A & 16-OLN-04A

At the request of the applicant6s and M-MCPPC staff, Mr. Soukup identified WSCCRs 16-OLN-03A and 16-OLN-04A for an advance action ahead of the other seven amendments in this administrative group. The applicants and M-NCPPC staff were seeking to maintain an established schedule for the Planning Board's consideration of the related preliminary plan. DEP had included in its notices for the administrative hearing that the record for these two requests would close at the conclusion of the Planning Board's consideration of the

administrative delegation group on December 8, 2016. DEP received no testimony related to these two requests. An advance administrative approval for categories W-1 and S-3 was granted on December 12, 2016

Mr. Soukup closed the hearing at 2:50 p.m. and stated that, with the exception of the two Olney area requests noted previously, the hearing record would be open until Tuesday, December 13, 2016, for additional written testimony.

The following individuals attended DEP's hearing:

- Robert Harris, Lerch, Early & Brewer for 16-OLN-03A and 16-OLN-04A
- George Simmons
- Ted Smart for 16-POT-02A

On December 13, 2016, Keith Levchenko, senior legislative analyst on the Council's staff notified DEP that the Council members concurred with the approvals recommended for this administrative action.

On December 8, 2016, the Planning Board met to consider M-NCPPC staff recommendations for the nine amendments included in the AD 2016-2 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendations for all the included amendments, which were in agreement with DEP's staff recommendations. DEP received formal notification of the Board's action in a letter dated December 14, 2016.

The public hearing record remained open past the planned closing date of December 13, 2016, until DEP's receipt of the notice from the Planning Board on December 19, 2016. Summary information, which includes all interagency recommendations and all testimony for the proposed amendments, is on file with DEP.

DEP ADMINISTRATIVE ACTION

The 2003 water/sewer category map update of the *Montgomery County Comprehensive Water Supply and Sewerage Systems Plan* is hereby amended as follows:

Cloverly -Norwood Planning Area

WSCCR 16-CLO-01A: Iglesia Evangélica Misionera Apóstoles Y Profetas, Inc.

Property Information and Location	Applicant's Request:
Property Development	Administrative Action and Policy Justification
137 Norwood Rd., Cloverly	Service Area Categories:
 Lot 1(N860), Hill Farm (acct. no. 03380262) 	Existing Requested
• Map tile: WSSC – 221NE01; MD –JS52	W-5 W-1
Northeast side of Norwood Rd., east of Crimson Spire Ct.	S-6 S-6 (No Change)
RE-2 Zone; 2.50 acres	Administrative Action
Cloverly – Norwood Planning Area Cloverly Master Plan (1997)	Approve W-1. Administrative policy V.F.1.a.: Consistent with Existing Plans. (Mapping on pg. 10.)
Northwest Branch Watershed (MDE Use IV)	9
Existing use: unimproved Proposed use: place of worship, 200-seat sanctuary	

Fairland - Beltsville Planning Area

WSCCR 16-FAL-02A: Geraldine Caulk

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
3724 Greencastle Rd., Burtonsville	Service Area Categories:
 Pt. Lot 2 (N633), Carricks Addition to Burtonsville (acct. no. 00265730) 	Existing Requested W-6 W-1
 Map tile: WSSC – 219NE04; MD –KR63 	S-1 S-1 (No Change)
 East side of Greencastle Rd., south of Steppingstone La. And Turnbridge dr. 	Administrative Action
• R-90 Zone; 83,199 sq.ft. (1.91 acres)	Approve W-1. Administrative policy V.F.1.a.:
 Fairland – Beltsville Planning Area Fairland Master Plan (1997) 	Consistent with Existing Plans. (Mapping on pg. 11.)
 Little paint Branch Watershed (MDE Use I) 	
 <u>Existing use</u>: one single-family house (built 1956) <u>Proposed use</u>: water service for the existing house for relief of a failed well 	A.V.

DEP note: In response to an Apr. 4, 2016, request from DPS, on Apr. 7, 2016, DEP issued a request to WSSC to expedite the provision of public water service to this property designated category W-6 in advance of the approval of this request. The authority for DEP's action is the "public health problems" service policy in the Water and Sewer Plan. The policy allows such an action in cases where DPS has identified an onsite system failure.

Germantown Planning Area

WSCCR 16-GMT-01A: Chin-Mei Chen

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
18825 Liberty Mill Rd., Germantown	Service Area Categories:
Parcel P903, Red Fathers Good Will (acct. no.	Existing Requested
00771444)	W-1 W-1 (No change)
• Map tile: WSSC – 226NW13; MD –EU31	S-5 S-1
East side of Liberty Mill Rd., south of Lake Placid Ln.	Administrative Action
 R-200 Zone; 20,150 sq. ft. (0.46 acre) Germantown Planning Area Germantown Master Plan (1989) 	Approve S-1. Administrative policy V.F.1.a.: consistent with existing plans. (Mapping on pg. 12.)
Middle Great Seneca Creek Watershed (MDE Use I) Existing use: one single-family house (built 1952) Proposed use: water and sewer service for the existing house	

Olney Planning Area

WSCCR 16-OLN-03A: Guy Hanks

Property Information and Location Property Development	Applicant's F Administrativ	Request: e Action and Policy Justification
15801 Bradford Rd., Olney	Service Area	a Categories:
Parcel N370, Bradfords Rest (acct. no. 00712640)	Existing	Requested
• Map tile: WSSC – 221NE03; MD – HS62	W-6	W-3
Either side of Bradford Rd. at Norbeck Ave., east of Bradford Rd.	S-3	S-3 (No change)
R-200 Zone/TDR Overly; 10.65 ac.	Administrativ	ve Action
Olney Planning Area Olney Master Plan (2005)	Consistent v	-3. Administrative policy V.F.1.a.: with Existing Plans. (Mapping on pgs. 13-
Northwest Branch Watershed (MDE Use IV)	14.)	
Existing use: unimproved Proposed use: Part of 240-unit, mixed-residential subdivision 120160070 "Bradford's Rest"		EP granted an advance approval for this nendment on December 12, 2016.

WSCCR 16-OLN-04A: Fortunato & Maria Aroni

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
• 15810 Bradford Rd., Olney	Service Area Categories:
Parcel N436, Lot D Bradfords Rest (acct. no.	Existing Requested
00701098)	W-6 W-3
• Map tile: WSSC – 221NE03; MD – HS62	S-6 S-3
West side of Bradford Rd. at Norbeck Ave.	
R-200 Zone/TDR Overly; 2.00 ac	Administrative Action
Olney Planning Area Olney Master Plan (2005)	Approve W-3 and S-3. Administrative policy V.F.1.a.: Consistent with Existing Plans. (Mapping
Northwest Branch Watershed (MDE Use IV)	on pgs. 13-14.)
Existing use: single-family house Proposed use: Part of 240-unit, mixed-residential subdivision 120170060 "Bradford's Landing"	DEP note: DEP granted an advance approval for this amendment on December 12, 2016.

Patuxent River Watershed Conservation Planning Area

WSCCR 16-PAX-01A: Mark Ward and David Ward

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification	
 16440 Batson Rd., Spencerville Parcel P445, Snowdens Manor Enl (acct. no. 00270372) 	Service Area Categories: Existing Requested W-6 W-1	
Map tile: WSSC – 222NE03; MD – KS33 Northwest corner, intersection of Batson Rd. and Brogden Rd.	S-6 S-6 (No Change) Administrative Action	
 RC Zone; 8.31 acres Patuxent Watershed Conservation Planning Area Cloverly Master Plan (1997) 	Approve S-3. Administrative policy V.F.1.a.: consistent with existing plans. (Mapping on pg. 15.)	
 Lower Patuxent River Watershed (MDE Use I) Existing use: unimproved, wooded Proposed use: one new single-family house 		

Potomac - Cabin John Planning Area

WSCCR 16-POT-01A: Gerald Murphy, Jr.

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
• 11024 Chandler Rd., Potomac	Existing Requested
• Lot 1, Block 5, Fawsett Farms (acct. no. 00867837)	W-1 W-1 (no change requested)
 Map tile: WSSC – 210NW11; MD – FN23 	S-6 S-3
Southeast corner, intersection of Chandler Rd. and Falls Rd. (MD 189)	Administrative Action
• R-200 Zone; 47, 314 sq. ft. (1.09 ac)	Approve S-3. Administrative policy V.F.1.a.:
Travilah Planning Area Potomac Subregion Master Plan (2002)	consistent with existing plans. (Mapping on pg. 16.)
Watts Branch Watershed (MDE Use I)	,
Existing use: one single-family house (built 1953) Proposed use: sewer service for a replacement single-family house	
Service Area Categories:	
DED 11 / 0 11 / 15 00/0 DED: / // 11/00/	

DEP Note: On Mar. 15, 2016, DEP issued a request to WSSC to provide public sewer service to this property designated as category S-6 under the authority of the County's "abutting mains" service policy (see pg. 20). The abutting mains policy allows such an action in advance of a category change approval in cases where the policy's requirements are clearly satisfied.

WSCCR 16-POT-02A: Myrta Peyton

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
7601 Brickyard Rd., Potomac	Service Area Categories:
 Parcel P239, Carderock (acct. no. 00860084) 	Existing Requested
• Map tile: WSSC – 209NW10; MD – FN32	W-1 W-1 (No Change)
Southeast quadrant, intersection of Brickyard Rd. and New London	S-6 S-1
RE-2 Zone; 6.66 acres	Administrative Action
Potomac – Cabin John Planning Area Potomac Subregion Master Plan (2002)	Approve S-1 under the Potomac area peripheral sewer service policy. Administrative policy V.F.1.a: consistent with existing plans (Mapping on
Potomac River – Great Falls Tributaries Watershed (MDE Use I)	pg. 17.)
Existing use: one single-family house (built 1922) Proposed use: three-lot, single-family residential subdivision	

Travilah Planning Area

WSCCR 16-TRV-01A: Phyllis Newfield

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
9419 Overlea Dr., Rockville	Service Area Categories:
Lot 26, Block C, Potomac Highlands (acct. no.	Existing Requested
00088234)	W-3 W-3 (No Change)
• Map tile: WSSC - 216nw09; MD - FQ53	S-6 S-1
Southeast side of Overlea Dr., northeast of Watts Branch Dr.	Administrative Action
• RE-1 Zone; 67,518 sq.ft. (1.55 acres)	Approve S-1, for one sewer hookup only to
Travilah Planning Area Potomac Subregion Master Plan (2002)	relieve a failed septic system. Unless technical reasons prevent it, the needed sewer connection will be provided only from the sewer main
Watts Branch Watershed (MDE Use I)	segment along Overlea Dr. and not from the
Existing use: one single-family house (built 1949) Proposed use: sewer service for the existing house to relieve a failed septic system	segment that traverses the property. Administrative policy V.F.2.a: public health problems. (Mapping on pg. 18.)

DEP note: In response to a Mar. 16, 2016, request from DPS, on Mar. 22, 2016, 2015, DEP issued a request to WSSC to expedite the provision of public sewer service to this property designated category S-6 in advance of the approval of this map amendment. The authority for DEP's action is the "public health problems" service policy in the Water and Sewer Plan. The policy allows such an action in cases where DPS has identified an onsite system failure.

Now therefore be it resolved by the Director of the Montgomery County Department of Environmental Protection that the amendments described above for inclusion in the County's *Comprehensive Water Supply and Sewerage Systems Plan* are approved. DEP will revise the water and sewer category maps in the County's geographic information system (GIS) database to include these amendments, and they will be shown as part of the next interim or triennial service area map update.

Approved

Lisa Feldt, Director

Montgomery County Department of Environmental Protection

M-NCPPC DEVELOPMENT REVIEW COMMITTEE UPDATE

Plan no. 120170060 "Bradford's Landing": The proposed use of public water and sewer service for this project is consistent with the existing W-3 water category and the S-3 sewer category granted by this action.

NOTIFICATION OF DEP ACTION

DEP will submit notification of the Director's action to MDE for that agency's review. MDE has 90 days to comment on the administrative approvals granted. DEP will also notify each applicant, appropriate county government agencies, and other interested parties of the Director's action. A list of agencies that will receive a copy of this summary of action follows:

Distribution: Interagency

Virginia Kearney, Director, Water Mgt. Admin., MDE Nancy Floreen, Montgomery County Council Keith Levchenko, Montgomery County Council Diane Schwartz-Jones, Director, DPS Gene von Gunten, Well & Septic Section, DPS Casey Anderson, Planning Board

Kipling Reynolds & Katherine Nelson, Area 3 Planning Team, M-NCPPC

Pam Dunn, Functional Planning Team, M-NCPPC Mark Pfefferle & Cathy Conlon, Development Applications and Regulatory Coord. Team, M-NCPPC Geoffrey Mason, Parks Planning Div., M-NCPPC

Distribution: Interagency

Carla Reid, General Manager, WSSC Ray Chicca, Beth Kilbourne, & Rufus Leeth, Development Services Group, WSSC

Luis Tapia, Permit Services Section, WSSC Eintou Karima, Assessments Group, WSSC

Distribution: Property Owners /Other Interested Parties/Public Interest Groups

	.Iglesia Evangélica Misionera Apóstoles Y Profetas, IncRussell Reese, Maddox Engineers & Surveyors, IncGeraldine Caulk
16-GMT-01A	
	.Tien Kai-Jen
16-OLN-03A	.Guy Hanks
	.Craig Kazanjian, Brookfield Washington, LLC
	.Robert Harris. Lerch, Early & Brewer
	.Fortunato & Maria Aroni
	.Craig Kazanjian, Brookfield Washington, LLC
	.Robert Harris, Lerch, Early & Brewer
	.Mark Ward and David Ward
	.David McKee, Benning & Associates, Inc.
16-POT-01A	.Gerald Murphy, Jr.
16-POT-02A	
	.J. L. Fisher, Soltesz
16-TRV-01A	.Phyllis Newfield
	.George Simmons

Audubon Naturalist Society Cloverly Civic Association Glen Hills Community Coalition The Glen Preservation Foundation Greater Olney Civic Association Potomac Highlands Civic Association Southeast Rural Olney Civic Association

West Montgomery County Citizens' Association

Attachments

Service Area Category Designations (see page 8) Amendment Locator Map (see page 9) Amendment Service Area Category Mapping (see pages 10 - 18)

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WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the county. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the County and the sanitary utility (usually the Washington Suburban Sanitary Commission (WSSC)) should program water and sewerage facilities to serve those properties. (Although the actual provision of public service is often dependent on an applicant's own development schedule.) The Water and Sewer Plan is adopted and amended by the County Council; it is administered by the County Executive through the Department of Environmental Protection (DEP).

Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to
W-2 and S-2	Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan. (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	connect to public service within one year of its availability. Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.)
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. • This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.	MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections. Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.	WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know *both* the water *and* sewer service area categories for a property.



















